

- (2) ~~Shellfish~~ shellfish populations or shellfish enhancement projects ~~which may produce commercial quantities of shellfish at ten bushels or more per acre; that may:~~
- (A) produce commercial quantities of shellfish at ten bushels or more per acre;
  - (B) produce shellfish suitable for transplanting as seed or for relaying from prohibited (polluted) areas; or
  - (C) serve as sanctuaries to increase spawning and disease resistance or to prevent predation.
- (3) ~~Shellfish populations or shellfish enhancement projects which may produce shellfish suitable for transplanting as seed or for relaying from prohibited (polluted) areas.~~

(b) It is unlawful to use a trawl net, long haul seine, or swipe net in any designated Shellfish or Seed Management area. These areas shall be marked with signs or buoys. Unmarked and undesignated tributaries shall be the same designation as the designated waters to which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have the effect of changing the designation of any such body of water or portion thereof, nor shall any such unauthorized removal or relocation or the absence of any marker affect the applicability of any rule pertaining to any such body of water or portion thereof.

(c) It is unlawful to take ~~oysters or clams~~ shellfish from any Shellfish Management Area which has been closed and posted, except that the Fisheries Director may, by proclamation, open specific areas to allow the taking of ~~oysters or clams~~ shellfish and may designate time, place, character, or dimensions of any method or equipment that may be employed.

(d) It is unlawful to take oysters from Seed Management Areas for planting on shellfish leases or franchises without first obtaining a Permit to Transplant Oysters from Seed Management Areas from the Fisheries Director. The procedures and requirements for obtaining permits are found in 15A NCAC 03O .0500.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;*

*Eff. January 1, 1991;*

*Amended Eff. March 1, 1994;*

*Temporary Amendment Eff. October 1, 2001;*

*Amended Eff. April 1, 2003.*

*Amended Eff.???????*

## 10.2 SUMMARY OF RESEARCH RECOMMENDATIONS

The following research recommendations were compiled from Section 7.0 and issue papers listed in the Principal Issues and Management Options Section 9.0. The list is presented in no particular order. Proper management of the bay scallop resource cannot occur until some of these research needs are met.

1. Complete a socioeconomic survey of participants and processors in the commercial bay scallop fishery.